



Department of Corrections
ADMINISTRATIVE BULLETIN

**Subject: REVISED INMATE
RESTITUTION FINE
COLLECTION SYSTEM**

Number:

98/3

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This Administrative Bulletin (AB) immediately implements the changes in the Inmate Restitution Fine Collection System (IRFCS) as provided by the amendment of Penal Code (PC) Section 2085.5. This AB reiterates the unchanged portions of the IRFCS and also rescinds AB 92/36 and AB 95/15.

The IRFCS encompasses two phases. Phase I is the collection of restitution fines which are forwarded to the State Board of Control (BOC), Victims of Crime Fund. Phase II addresses the expansion of the restitution system to include the collection of direct restitution orders to victims. This AB authorizes the implementation of Phase I only. The implementation of Phase II, direct restitution orders, is covered in AB 98/04 Inmate Restitution Direct Order Collections Phase II.

In order to differentiate restitution fines from restitution orders, the following guidelines should be used:

- **RESTITUTION FINES** (which the California Department of Corrections (CDC) is currently collecting pursuant to the process identified in this AB) can be identified in the following manner:
 - Found on the Abstract of Judgment (AOJ), Minute Order (MO), or Transcript of Proceedings at Time of Sentencing.
 - Usually in increments of \$100, ranging from \$200 to \$10,000 per felony case.
 - Designated as “restitution fine” or “payable to the Restitution Fund” or may refer to the BOC.
 - PC 1202.4, 2085.5 or Government Code (GC) Section 13967 (a), for fines ordered prior to September 28, 1994, are cited.
- **RESTITUTION ORDERS** (Refer to AB 98/04) can be identified in the following manner:
 - Found on the AOJ, MO, or Transcript of Proceedings at Time of Sentencing.
 - Usually odd dollar amounts (i.e., \$487 for property loss) or may be large dollar amounts (i.e., \$1,000,000 for damages).
 - Usually referred to as “victim restitution” or “restitution order direct pay to the victim” or “restitution to victim.”



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The IRFCS requires the participation of the following:

- Case Records.
- Correctional Counselor.
- Information Systems Branch.
- Trust Offices-both institution and headquarters.
- Mailrooms.

The CDC shall collect outstanding court-ordered restitution fines, owed by inmates, from both inmate wages and trust account deposits. CDC shall deduct 20 percent or the balance owing, whichever is less, from an inmate's wages and trust account deposits. That amount shall be transferred to the BOC for deposit in the Crime Victims Restitution Fund in the State Treasury. In addition, CDC shall deduct and retain from the wages and trust account deposits of an inmate, an administrative fee that totals 10 percent of the deduction (2 percent), for a total maximum deduction of 22 percent.

All inmates, including all parole violators, housed within CDC institutions with outstanding court ordered restitution fines shall be subject to restitution fine collections via the IRFCS.

THE FOLLOWING IS A LIST OF EXEMPTIONS FROM IRFCS:

- Fines shall not be collected from inmates/parole violators in a Community Correctional Center (Community Correctional Facility, Community Correctional Reentry Center, or the RTC Substance Abuse Treatment Unit located in Fresno).
- Restitution Community Correctional Center (RCCC) inmates are exempt from restitution collections described in this AB via the IRFCS; however, restitution is collected from RCCC inmate's independently via the RCCC restitution collection process.
- Fines shall not be collected on inmates in the Community Prisoner Mother or Family Foundations Programs.
- Fines shall not be collected on JVP deposits.



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- Fines shall not be collected on family visit funds, and Temporary Community Leave (TCL) funds provided the procedures described below are followed.
- Upon transfer to another institution, the initial transfer of funds from the sending institution resulting in the establishment of a new trust account at the receiving institution are exempt from garnishment. All subsequent deposits to the new trust account at the receiving institution will be garnished as described in this AB.
- No other exemptions shall be made.

EXEMPTION OF FAMILY VISIT AND TEMPORARY COMMUNITY LEAVE FUNDS

The CDC Form 1839, Exemption of Family Visit/Temporary Community Leave Funds From Restitution Fines/Orders (Rev 5/97) (Attachment A), must be used for the identification of both family visit and TCL funds in order to exempt these funds from restitution collection. Space is provided on CDC Form 1839 to indicate for which purpose funds are being provided. The following shall apply to family visit or TCL funds:

- The CDC Form 1839 shall be provided to the inmate by their assigned Correctional Counselor, upon request, prior to any scheduled family visit or TCL.
- In the event of an emergency, when TCL funds are being wired to the institution, CDC Form 1839 may be filled out and signed by the institution staff facilitating the TCL.
- The CDC Form 1839 clearly states that no refunds shall be made to the sender. Should the family visit or TCL not occur, these funds shall be placed in the inmate's trust account with an indefinite hold placed on them solely for the purpose of a future family visit or TCL.
- If the inmate transfers to another institution, the TCL or family visit funds shall be transferred to the inmate's trust account at the receiving institution, the hold shall be removed, and no restitution deduction shall be taken.
- If the inmate paroled, the funds shall be released and no restitution deduction shall be taken.
- If family visit or TCL funds originated from the inmate's trust account, the funds shall be immediately returned. No deductions shall be made when re-deposited to the inmate's trust account.
- The CDC Form 1839 must be used to identify family visiting or TCL funds; have complete information as specified; and be addressed to the institution's cashier's office identified as either



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family visit or TCL funds. If this procedure is not followed, funds received shall be handled in the same manner as any other trust account deposit and subsequently deposited in the inmate's trust account with restitution deducted if an outstanding court-ordered restitution fine exists. No exceptions shall be made.

MAILROOM STAFF RESPONSIBILITIES

In order to advise inmates of restitution deductions on trust account deposits received in the mailroom, a new stamp shall be ordered to read: "Subject to Restitution per PC Section 2085.5." All mail containing funds that are not accompanied by CDC Form 1839, shall be stamped with this notice by the mailroom staff.

RECEPTION CENTERS

The Case Records Specialist reviews the AOJ, MO and Transcript of Proceeding at Time of Sentencing for restitution fines for inmates, completes a CDC Form 1497, Inmate Restitution Fine/Direct Order Collection (3/98) (Attachment B), and posts the CDC Form 112, Chronological Inmate History.

- If the AOJ, MO, and/or Transcript of Proceeding at Time of Sentencing specifies GC 13967, PC 1202.4 or 2085.5, or specifies "restitution fine" or "the restitution fund", but does not specify a fine amount, the Case Records Specialist shall post the minimum amount of \$100 if the date of the offense was prior to September 14, 1992, and \$200, if the date of offense was on or after September 14, 1992.
- If no code sections are cited and there is no mention of "restitution fine" or "the restitution fund" on the sentencing documents, no restitution fine shall be posted.
- When the AOJ, MO and/or Transcript of Proceeding at Time of Sentencing cites a specific dollar amount, the Case Records Specialist shall post on the CDC Form 1497 only the dollar amount specified by the court.
- The Trust/Accounting staff shall enter the amount(s) which are specified on the CDC Form 1497.

The Correctional Counselor I (CC I) reviews legal documents, verifies that the CDC Form 1497 is complete and that the CDC Form 112 is posted. If the CDC Form 112 is not posted, the CC I shall notify the Case Records Specialist. The CC Is shall also include restitution information for parole violators on the CDC Form 816, Re-Admission Summary.



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INITIAL INTAKE

The CC I reviews legal documents (AOJ, MO, and Transcript of Proceedings at Time of Sentencing) prior to Initial Unit Classification Committee and refers any case, with court-ordered restitution fines to the Case Records Specialist for processing unless the CDC Form 112 has already been posted.

The Case Records Transfer/Intake Clerk checks the Legal Section of the Central File for CDC Form 1497 and promptly forwards all CDC Form 1497s to the Inmate Trust Office.

During intake and subsequent audits, the Case Records Specialist reviews the AOJ, MO and Transcript of Proceedings at Time of Sentencing for a restitution fine and reviews the CDC Form 112 for appropriate posting. If restitution is ordered but not posted, the Case Records Specialist shall complete a CDC Form 1497, post the CDC Form 112, and forward CDC Form 1497 to the Inmate Trust Office. The guidelines for determining if there is a restitution fine and the amount of restitution are the same as those for reception centers.

INMATE ANNUAL REVIEW

The CC Is are required to conduct a review for court-ordered restitution fines during an inmate's annual review. The inmate's central file and the CDC's Distributed Data Processing System shall be used to conduct this review. The findings shall be reported during the classification committee hearing and documented on a CDC Form 128-G, Classification Chrono. The CC Is shall ensure necessary action was completed.

The review for court-ordered restitution fines may be conducted at any time. It is not limited to an inmate's annual review. However, formal documentation shall be made during an inmate's annual review.

PAROLE VIOLATOR COLLECTIONS

Institution Trust Offices

During processing of an inmate to parole, the Trust Office staff shall make a screen print of the Inmate Trust Account Display (ITAD) indicating the restitution balances in the inmate's trust account and attach it to the CDC Form 102, Release Statement and Clothing Authorization. The ITAD screen print will indicate the outstanding restitution fine balance as of the inmate's release date. The name (acronym) of the releasing institution shall be stamped or written on the ITAD screen print. A copy of the CDC Form 102, (with the attached print out) shall be forwarded to Case Records within five working days of the inmate's release. Case Records shall place these documents in the central file (in the parole



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section) prior to the central file being forwarded to the Parole Region. However, the central file shall not be held past 10 days from the inmate's release date.

Case Records Offices

If the inmate is a Parole Violator:

- The Case Records Specialist shall review all legal documents for restitution requirements.
- The CDC Form 112 shall be reviewed to determine if all restitution requirements have been posted.
- If the CDC Form 112 is posted and there is an ITAD screen print in the central file (parole section), the screen print shall be noted with "PV: Received (Date)" and the Case Records Specialist's initials. If the parole violator is housed at a reception center, the ITAD screen print shall be moved to the legal section of the central file. If the parole violator is housed at a mainline institution, the ITAD screen print shall be forwarded to the Trust Office at that institution.
- If the CDC Form 112 is posted but there is no screen print in the central file, a CDC Form 1497 shall be completed with the "Resubmit" box checked with the date the PV was received, and forwarded to the Trust Office in the institution.
- If the CDC 112 is not posted with the case number and dollar amount, a CDC Form 1497 shall be completed and forwarded to the Trust Office in the institution.

INFORMATION SYSTEMS BRANCH

The Information Systems Branch shall produce a report and mag tape containing the restitution collection information on a monthly basis. This data shall be provided to the Victim Services Program.

INSTITUTION TRUST OFFICE RESPONSIBILITIES

The Trust Office staff at the institution shall input the inmate's restitution information provided by the Case Records Specialist into the IRFCS via the Inmate Trust Accounting System. The Trust Office shall also remit restitution funds to headquarters on a monthly basis.



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HEADQUARTERS TRUST OFFICE RESPONSIBILITIES

The Trust Accounting Office in headquarters is responsible for producing the remittance check for BOC. The Victim Services Program shall present the check and mag tape to BOC.

Headquarters Trust Office staff shall provide written instructions and telephone assistance to field Trust Office staff on the new procedures for the expanded IRFCS. For detailed procedures, please see the IRFCS Users Handbook available in the Trust Office at each institution. For additional training please contact the Case Records Manager or Trust Office Supervisor.

The revised CDC Forms 1497 and 1839 are being printed by Prison Industry Authority (PIA). CDC Form 1497 will be printed on one side of two-part NCR paper and CDC Form 1839 will be printed on two sides of canary paper. Both forms should be ordered from PIA on STD 51, STD 54, or CDC Form 1853 in quantities of 250 sets or more for CDC Form 1497 and 500 or more for CDC Form 1839.

Please inform all persons concerned of the contents of this bulletin which shall remain in effect until incorporated into the Department Operations Manual Sections 47130, 61010, and 72010. This bulletin shall be posted in conspicuous locations accessible to offenders in each institution and parole unit. Direct any inquiries regarding this bulletin to Sandi J. Menefee, Chief, Victim Services and Restitution Branch, at (916) 358-2436 or CALNET 474-2436.

TERESA ROCHA
Chief Deputy Director (A)
Support Services

Attachments